

**QUESTIONS FROM SUBCOMMITTEE CHAIR LINDA SÁNCHEZ
FOR PAUL K. CHARLTON**

1. Please describe any conversations you had with officials at the Department of Justice relating to your termination as U.S. Attorney that occurred after the notification you received on December 7, 2006. Your description of each conversation should include, but is not limited to, who initiated each call, who participated, and what was said by whom. In hindsight, please describe the message you believe was conveyed by officials at the Department of Justice. If you discussed any of these calls with any of the other former U.S. Attorneys who testified at the hearing, please describe these conversations. **After December 7, 2006, but prior to the Attorney General's testimony before the Senate Judiciary Committee, I received a call from Mike Elston, Chief of Staff to the DAG. In that conversation I believe that Elston was offering me a quid pro quo agreement: my silence in exchange for the Attorney General's.**
2. Outside of the EARS reports, please describe any awards, commendations, or other performance-related assessments that you received during your tenure as United States Attorney for the District of Arizona. **The Financial Litigation Unit received the Director's Award for their work on behalf of victims of crime, as did the Victim Witness Unit. I received a Special Commendation award from the Attorney General in 2005, and during the Attorney General's visit to Arizona in November of 2005, the Attorney General told me that he had heard nothing but "great" things about me and that he agreed with that assessment.**
3. An e-mail exchange from Brent Ward, Director of the Department of Justice Obscenity Prosecution Task Force, to Kyle Sampson, Attorney General Chief of Staff, on September 20, 2006 references your "unwillingness" to prosecute obscenity cases. Please respond to this.

Please see the attached summary of a Salon article that I believe accurately reflects the answer to your question:

Failure To Prosecute Pornography Cases Seen As Reason Behind Some Dismissals. Salon.com (4/19, Follman) reports, "Facing a torrent of criticism that the Department of Justice has been tainted by partisan politics, Alberto Gonzales is poised for the defense argument of his life. The attorney general must explain to Congress an accumulation of embarrassing partisan e-mails and inaccurate statements by top Bush officials, which have helped transform the quiet firing of eight U.S. attorneys last year into an explosive Washington scandal. ... Gonzales will be grilled about alleged Republican meddling on issues from corruption to cronyism, widely documented in the four months since the purge. But a Salon investigation has uncovered another partisan issue dirtying the U.S. attorneys scandal: adult pornography." Salon continues, "Although the prosecution of adult obscenity has long been a fixation for right-wing Republicans, since the Reagan era it has never been more than a negligible fraction of the Justice Department's work. Yet, the alleged failure of two U.S. attorneys to go after porn prosecutions became part of a dubious set of 'performance-related' reasons given by top officials for the recent firings. Meanwhile, several of the small handful of porn cases done under Gonzales were conducted by high-ranking officials close to the attorney general. Those officials were also involved in the group firing of the U.S. attorneys, and two of them recently received promotions. ... Two of the fired U.S. attorneys, Dan Bogden of Nevada and Paul Charlton of Arizona, were pressured by a top Justice Department official last fall to commit resources to adult obscenity cases, even though both of their offices faced serious shortages of manpower. Each of them warned top officials that pursuing the obscenity cases would force them to pull prosecutors away from other significant criminal investigations. In Nevada, ongoing cases included gang violence and racketeering, corporate healthcare fraud, and the prosecution of a Republican official on corruption charges. In Arizona, they included multiple investigations of child exploitation, including 'traveler' cases in which pedophiles arrive from elsewhere to meet

children they've targeted online. ... The U.S. attorneys' doubts about prioritizing obscenity cases drew the ire of Brent Ward, the director of the Obscenity Prosecution Task Force in Washington, who went on to tell top Justice Department officials that the two were insubordinate over the issue. But the obscenity case that Ward pressured Bogden to pursue was 'woefully deficient' according to a former senior law enforcement official who spoke to Salon last month. And Charlton's office was in fact on the leading edge of adult obscenity prosecutions, including a recent case aimed at stopping pornography distributed via SPAM e-mail."

4. William Moschella testified at the March 6, 2007 hearing before the Subcommittee on Commercial and Administrative Law of the House Committee on the Judiciary that you were terminated for policy disagreements on the taping of FBI interviews and the death penalty. Please supplement your response to these issues and respond to any other issues that have since come to light in documents released by the Department of Justice. **I understand that that those are the reasons currently posited for my request to resign. I leave it to the ongoing investigations to determine the veracity of these reasons.**
5. Are you aware of any efforts to politicize the Department of Justice with respect to its personnel decisions? If so, please explain. **I have no first hand knowledge of this issue.**
6. Do you know if any target of your office's investigations or prosecutions complained to either main Justice or the White House? **I do not know if that happened.**
7. During your tenure, were you ever contacted by the Administration, a member of Congress, or congressional staff about any of your office's investigations or prosecutions? If so, please describe those contacts. **I was never personally contacted.**
8. Why should United States Attorneys be able to exercise some degree of independent judgment? **U.S. Attorney's know their District best. Some discretion must be left to U.S. Attorney's so that they may address issues and resources as is best within the District.**
9. When a highly respected United States Attorney is abruptly and without explanation removed, what impact does that have on other United States Attorneys? **I believe that these dismissals have impacted the U.S. Attorney community in a number of ways, including moral.**
10. Did you ever receive a warning from the Justice Department that your office's priorities would result in you being asked to resign? **No**
11. When you were notified by Executive Office for United States Attorneys Director Michael Battle that you were being asked to resign, did he give you any explanation why this was being done? **No.**
12. What effect, if any, did the Administration's annual budget cuts have on your office? **Please see the attached PDF forms. One is from the former Chief of the U.S. Border Patrol for the Tucson Sector who indicates that Justice did not provide sufficient resources to our office, and the other a series of DOJ e-mails which indicate that while we received some new resources on 2006, they were not sufficient to cover the deficit in resources we faced.**
13. Did these budget cuts have a disproportionate effect on your office? If so, please explain

why. See 12 above.

14. What effect did these budget cuts and lack of personnel have on the ability of your office to meet the Justice Department's myriad priorities? **We were forced to raise our intake guidelines.**
15. Were there competing Justice Department priorities that conflicted with your office's ability to prosecute high-volume immigration cases? **Every new priority forced us to reevaluate our ability to continue to do border prosecutions at a high rate.**
16. Did your office request additional resources from the Attorney General? If yes, were your requests granted or denied? If denied, were you told why? **We continually requested more resources from the Department. Only in the late 2006 were we granted some additional resources, and those were insufficient to cover the deficit in resources we faced at that time. See the DOJ e-mails attached above.**
17. Did your office experience any hiring freezes during your tenure? **Effectively, yes.**
18. How many Assistant United States Attorneys did your office have when you started and completed your tenure as United States Attorney? **I do not have access to that information.**